

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

EMMANUAL OHAI,)	
)	
Plaintiff,)	
)	CIVIL ACTION FILE
vs.)	
)	NUMBER 1:20-CV-2220
DELTA COMMUNITY CREDIT UNION,)	
PARK TREE INVESTMENTS, L.L.C.,)	
DEAN ENGLE, FCI LENDER)	
SERVICES, INC., SINGER LAW)	
GROUP, DANIEL I. SINGER,)	
JAUREGUI, LINDSEY, LONGSHORE)	
& TINGLE, MICROBUILT)	
CORPORATION and PNC BANK, N.A.,)	
)	
Defendants.)	

DEFENDANT PARK TREE'S AND DEFENDANT FCI'S MOTION TO STRIKE

COME NOW Park Tree Investments, L.L.C. ("Defendant Park Tree") and FCI Lender Services, Inc, co-Defendants in the above-styled civil action, and pursuant to 28a U.S.C. Rule 12(f) hereby moves to strike all of the exhibits attached to Plaintiff's briefs opposing the motions to dismiss filed herein and shows this honorable Court in Support thereof as follows:

Rule 12(f) provides that "[t]he court may strike from any pleading an insufficient defense or any redundant, immaterial, impertinent, or scandalous matter. ..." Considering exhibits attached to a motion to dismiss or response could convert the motion into a summary judgment motion unless the documents can

be judicially noticed as public documents. See Bryant v. Avado Brands, Inc., 187 F. 3d 1271 (11th Cir. 1999). None of the documents attached to the Plaintiff's brief opposing the motions to dismiss filed herein are public documents; consequently, they should be stricken.

WHEREFORE, Defendant Park Tree and Defendant FCI respectfully request that all of the exhibits attached to Plaintiff's briefs opposing the motions to dismiss filed herein be stricken.

Respectfully submitted this 25TH day of June, 2020.

JOHNSON LEGAL OFFICES, L.L.C.


By: 

Larry W. Johnson
Georgia Bar No. 394896
Attorney for Defendant
Park Tree and Defendant FCI

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ParkTreeOhaiStrikeMotion01

CERTIFICATE OF COMPLIANCE WITH L.R. 5.1C

I hereby certify that the foregoing has been computer processed with 12 point Courier New font in compliance with the United States District Court for the Northern District of Georgia, L.R. 5.1C.



Larry W. Johnson
Georgia Bar No. 394896
Attorney for Defendant
Park Tree and Defendant FCI

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the foregoing DEFENDANT PARK TREE'S AND DEFENDANT FCI'S MOTION TO STRIKE was served upon all parties by using the CM/ECF system and further served by mailing same by United States First Class Mail in a properly addressed envelope with adequate postage affixed thereon to insure delivery, addressed as follows:

Mr. Emmanuel Ohai
2715 Tradd Court
Snellville, GA 30039

This 25TH day of June, 2020.



Larry W. Johnson
Attorney for Defendant
Park Tree and Defendant FCI

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